

Panel rehearing granted
by order filed 6/26/03

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7309

KENNETH BRIAN JOYNER,

Petitioner - Appellant,

versus

RONALD J. ANGELONE, Director,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (CA-01-1189-AM)

Submitted: May 8, 2003

Decided: May 21, 2003

Before MOTZ, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Kenneth Brian Joyner, Appellant Pro Se. Donald Eldridge Jeffrey, III, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kenneth Brian Joyner seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). We have reviewed the record and conclude for the reasons stated by the district court that Joyner has not made a substantial showing of the denial of a constitutional right. See Joyner v. Angelone, No. CA-01-1189-AM (E.D. Va. filed June 14, 2002 & entered June 17, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED